HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 21856 of 2007

Date 12-10-2007

Between:
J. Jaya Seela **.....PETITIONER**

AND

The District Medical and Health Officer,
Karimnagar District, Karimnagar and others.
.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.21856 of 2007

ORDER: (per Smt. T.Meena Kumari,J)

Petitioner filed the present writ petition seeking a writ of Mandamus declaring the proceedings in Rc. No. E1/FW/1981/91, dated 6.1.992 issued by the District Medical and Health Officer, Karimnagar and the judgment of the Tribunal in O.A. No. 6253 of 1992 as unjust and to set aside the same. He also sought for a consequential direction to treat the past service from the date of her initial appointment i.e. 2.9.1971 as on duty duly treating the period of absence from 1.2.1977 to 4.9.1987 as leave with all consequential benefits.

The brief facts of the case are that the petitioner was originally appointed as A.N.M. on 2.9.1971 in Primary Health Centre, Kolanur and her services were also regularized in the said category. Thereafter, petitioner appears to have applied for leave from 1.2.1977 and had extended the same from time to time. While so, the petitioner submitted her joining report to the 1st respondent on 4.9.1987, who in turn forwarded the same to the 2nd respondent. The 2nd respondent while admitting her to duty, issued proceeding dated 30.11.1987 permitting to reappoint her by forfeiting the previous service rendered by her. Therafter, the 1st respondent issued

proceedings dated 30.11.1987 reappointing her as ANM from the date of reporting for duty. Petitioner, thereafter, made a representation to the authorities seeking to regularize the period of absence from 1.2.1977 to 4.9.1987. The 1st respondent, thereafter, issued proceedings dated 6.1.1992 declining to sanction leave for the said period. Aggrieved, the petitioner preferred the present O.A. impugned in this writ petition before the Tribunal. The Tribunal, trough the order impugned in this writ petition, dismissed the O.A. Aggrieved, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Medical & Health and perused the impugned order.

There is no dispute about the fact that the petitioner was appointed as A.N.M. There is also no dispute about the fact that her services have been regularized in the said post. There is also no dispute about the fact that the petitioner applied for leave for 30 days from 1.2.1977 to 2.3.1977. However, the only dispute is with regard to the leave for the subsequent period. Admittedly, there is no material on record to show that she applied for leave subsequently. That apart, the petitioner approached the District Medical Officer, the 1st respondent herein only on 4.9.1987 seeking to admit her to duty and for sanction of leave from 4.4.1977 to 3.9.1987. The 1st respondent, then, forwarded the application of the petitioner to the 2nd respondent. Thereafter, the 2nd respondent issued proceedings dated 30.11.1987 appointing her as A.N.M. afresh forfeiting her past service. The petitioner having kept quiet for a period of three years, made a representation on 20.2.1991 to the 1st respondent seeking to regularise the period of absence. The 1st respondent, through the impugned proceedings, dated

6.1.1992 declined to regularize the services of the petitioner on the ground that she has not produced any evidence with regard to the period of absence. In the absence of any material on record to show that the petitioner has applied for such leave and in the absence of any material on record to show that she had taken such leave with the permission of the authorities, the Tribunal has rightly dismissed the O.A.

In the circumstances, we do not find any illegality or irregularity in the order passed by the Tribunal warranting interference. The writ petition fails and is accordingly dismissed. No costs.

_____

(T. MEENA KUMARI,J)

Date: 12th October, 2007

_____

(G. CHANDRAIAH,J)

pnb